

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

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May 4, 2004

FROM: PATRICK J. MEAD, Interim Director
Department of Public Works – **Solid Waste Management Division**

**SUBJECT: GRANT OF EASEMENT FOR STORM DRAIN CONSTRUCTION AT THE MILLIKEN
SANITARY LANDFILL IN THE CITY OF ONTARIO**

RECOMMENDATION: Approve Easement Agreement with South Milliken JP/PI, LLC (South Milliken, LLC) in which the County will receive \$15,004.62 for granting an easement for drainage acceptance and construction of a 36-inch Storm Drain within the Milliken Sanitary Landfill property.

BACKGROUND INFORMATION: The Milliken Sanitary Landfill (MSL) is an inactive Class III landfill located in San Bernardino County in the City of Ontario, at 2050 South Milliken Avenue, approximately 1 mile west of Interstate 15 and 1.2 miles southeast of the Ontario International Airport. The site consists of 196 acres, of which 140 acres compose the landfill's footprint. Landfilling operations began in 1956, and continued until operations ceased on March 6, 1999.

The South Milliken, LLC owns ten (10) acres adjacent and north of the MSL which they are proposing to develop. Under existing conditions the ten-acre site dewateres naturally to the south and discharges stormwater flows into an existing stormwater detention basin located on the MSL property. This existing detention basin was designed with sufficient capacity to handle the stormwater flows generated from the ten-acre site, which per the City of Ontario's comprehensive Storm Drain plan is tabled to flow southerly.

There are three (3) existing detention basins located on the MSL site: Basin 1 located at the southeast corner of the MSL; Basin 2 located on the east side of the MSL, just west of the South Milliken, LLC 10-acre parcel; and Basin 3, located on a 19-acre parcel just south of the 10-acre development site. This 19-acre parcel property has the potential to be sold off as surplus property in the future after final closure construction activities have been completed at the MSL. As such, rather than discharging the stormwater flows into the above mentioned basin, the proposal is to discharge the stormwater flows from the ten-acre site to the second detention basin within the MSL property located to the west of South Milliken LLC's ten-acre site. This second basin has sufficient capacity to handle the increased stormwater flows from the ten-acre site. To accomplish this, an underground 36-inch reinforced concrete pipe (RCP) originating from South Milliken LLC's site will be constructed on the MSL property and will terminate within the existing westerly basin. The proposed 36-inch RCP will be constructed within a 15-foot wide drainage easement, which will allow access for construction, maintenance and repair of the storm drain.

Compensation for the easement, in the amount of \$15,004.62, was based on current property value. The appraisal was reviewed by Real Estate Services Department (Lou Schnepf, Right-of-Way Manager).

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The compensation for granting the drainage easement was broken into two different components. First, with respect to the 15-foot wide easement for the 36-inch RCP, a land value of \$7.00 per square foot (s.f.) for industrial land in the City of Ontario. The proposed 36-inch RCP drainage easement requires the use of 1,573 square feet. At \$7.00 per s.f., the compensation for the 36-inch RCP storm drain easement is \$11,011. Second, with respect to accepting the stormwater flows into the County's stormwater basin, 450 square feet of area within the west basin is required to accommodate the volume of water to be discharged from South Milliken, LLC's property and 1,264 square feet within the basin is required for a 15-foot easement over the 36-inch RCP, for a total of 1,714 square feet. The property value within the second stormwater basin was agreed to be at one-third the value of the 19-acre parcel, i.e., \$2.33/s.f., since the second basin will always be utilized for stormwater purposes only. The compensation for the west basin utilization is \$3,993.62 (1,714 square feet. x \$2.33/s.f.) for a total compensation of \$15,004.62.

Approval of this agreement will grant an easement to South Milliken, LLC to allow for Storm Drain construction, repair, maintenance and acceptance of drainage flow. The Easement Agreement provides that South Milliken, LLC is responsible for the costs involved in the construction of the drainage facility on the Milliken Sanitary Landfill. South Milliken, LLC is also responsible for the maintenance and repair in perpetuity of the drainage facility once construction is complete.

REVIEW AND APPROVAL BY OTHERS: This item was reviewed by Real Estate Services Department (Lou Schnepf, Right-of-Way Manager, 387-7829) on April 26, 2004, Deputy County Counsel Robert L. Jocks (387-5435) on April 23, 2004 and County Administrative Office (Tom Forster, Administrative Analyst, 387-4635) on April 25, 2004.

FINANCIAL IMPACT: This action will have no impact on the County General Fund. By granting this easement, the Solid Waste Management Division will receive \$15,004.62. This revenue will be deposited into SWMD's FY 2003/04 Budget - Site Closures and Maintenance (Fund: EAB Dept: SWM Org: SWM Obj: 9930).

COST REDUCTION REVIEW: The County Administrative Office has reviewed this agenda item, concurs with the department's proposal, and recommends this action based on the following: By granting this easement, SWMD is protecting the property value of a 19-acre parcel adjacent to the MSL. The 19-acre parcel has the potential to be sold off as surplus property in the future after final closure construction activities have been completed at the MSL. The easement allows storm water runoff flows that currently run into an existing detention basin located on the 19-acre parcel, to be diverted into a second detention basin located on MSL property. Diverting the storm water flows allows SWMD to possibly reconfigure the existing MSL storm water management system and reclaiming this basin in a manner that will make the property more desirable for future development. The second basin, that will accept the developed flows from the South Milliken, LLC, property has the capacity to accept these additional flows and is scheduled to remain in operation for perpetuity in order to detain storm water flows from the MSL.

SUPERVISORIAL DISTRICT(S): Fourth

PRESENTER: Peter H. Wulfman, 386-8703

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